

## 10-025 B. Cause Determination for Welfare to Work Noncompliance

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CPG Letter 326 (9/14)

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### 10-025.B.1 Cause Determination Regulation

State regulations require the County to schedule a cause determination appointment time within 20-calendar days of the Notice of Action during which each individual who has failed or refused to comply with program requirements has an opportunity to demonstrate that he or she has good cause for the refusal or failure.

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### 10-025.B.2 Cause Determination Appointment

The Employment Case Manager (ECM) is required to schedule a cause determination appointment within 20-calendar days of the NA 840, which provides the participant an opportunity to demonstrate he/she has good cause for his/her refusal or failure to comply with program requirements.

The participant is allowed to reschedule the cause determination appointment once within the 20-calendar day period. Additional rescheduling must be permitted if the participant can demonstrate good cause.

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### 10-025.B.3 Good Cause Considerations

Sanctions must not be imposed for failure or refusal to comply with program requirements for reasons including, but not limited to, those listed below:

The employment, offer of employment, activity, work activity or other training for employment:

- Discriminates in terms of age, sex, sexual orientation, race, religion, national origin, or physical or mental disability.
- Exceeds the daily or weekly hours of work customary to the occupation.
- Is remote from the participant's home because either:
  - Round-trip travel time exceeds a total of two hours, excluding time spent to transport family members to a school or place providing care; or
  - Walking is the only available means of transportation and the round trip is more than two miles, excluding distance traveled to transport family members to a school or place providing care
- Involves conditions that are in violation of applicable health and safety standards.
- Does not provide for worker's compensation insurance.
- Would cause the participant to violate the terms of his/her union membership.
- Would cause an interruption to an approved education or job-training program in progress.
  - The approved education or job training program in progress must lead to employment and sufficient income to be self-supporting.
  - If the hours of participation in the approved education or job training program in progress are less than the hours required as a condition of eligibility for aid, the participant is required to engage in Welfare to Work (WTW) activities to the extent necessary to meet the required hours of participation.

The ECM must also take into consideration whether the participant has a mental disability that caused or substantially contributed to the refusal or failure to comply with program requirements. Determination must be made in consultation with the Mental Health assessor or treatment provider for the ECM's region.

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#### **10-025.B.4 Good Cause Forms**

The WTW 27, Request for Good Cause Determination is a form to help participants understand situations that are considered good cause reasons for nonparticipation. This form is completed by the ECM and must be mailed to the participant by the Overpayment Specialist Unit (OSU) along with the NA840/845. However, it is not intended to take the place of a face-to-face meeting or phone interview to discuss nonparticipation, nor is it mandatory for the participant to complete or return the WTW 27. The participant can discuss good cause with the ECM without returning the form.

The WTW 26, Good Cause Determination Guidelines is a form the

ECM can use in determining Good Cause when conducting the Cause Determination appointment. This form lists common Good Cause reasons for nonparticipation.

In situations where a participant has claimed good cause, the ECM must also complete and issue NA 840A Determination of Good Cause/No Good Cause NOA after the cause determination has been completed, to inform participants of the cause determination outcome.

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**10-025.B.5  
Continuing  
Validity of  
Good Cause  
to Prevent  
Barriers**

If good cause is established, the ECM must review the continuing validity of the good cause determination, **at least every three months**, to ensure that any barriers preventing full WTW participation are removed.

Supportive Services are available to assist participants with barrier removal. Please refer to the following for more information:

- [CPG 10-011 Supportive Services Chapters](#)
- [CPG 10-015 D. Family Stabilization Program Overview](#)
- [CPG 10-015 E. Family Stabilization Homelessness Prevention Services](#)
- [CPG 10-015 F. Family Stabilization Transportation Emergency Assistance](#)

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**10-025.B.6  
20-Day Cause  
Determination  
Outcomes**

The 20-Day Cause Determination Outcomes, which also apply to exempt volunteers, are as follows:

20-Day Cause Determination	Outcome
Good Cause:	<ul style="list-style-type: none"><li>• Demonstrates Good Cause prior to the end of the 20-day compliance period</li><li>• Proves Good Cause existed within the period of noncompliance, including a verified exemption during the time of failure to comply with WTW requirements</li></ul>
No Good Cause	<ul style="list-style-type: none"><li>• No Compliance Plan or</li><li>• No show within 20-Day compliance timeframe</li></ul>
No Good Cause	Agreed to Compliance Plan
No Good Cause	Completed Compliance Plan
No Good Cause	Failed Compliance Plan

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**10-025.B.7  
21<sup>st</sup> Day  
Compliance  
Review**

Upon completion of the 20-Day cause determination period the ECM is required to take the following actions:

Step	Action
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## Request-ECM

1	<p>Evaluate <a href="#">20-Day Cause Determination Outcome</a> and complete necessary action as follows:</p> <table border="1"> <thead> <tr> <th data-bbox="527 226 933 296">If the 20-Day Cause Determination Outcome is</th><th data-bbox="933 226 1373 296">then the ECM is required to</th></tr> </thead> <tbody> <tr> <td data-bbox="527 296 933 703"> <p>Good Cause:</p> <ul style="list-style-type: none"> <li>• Demonstrates Good Cause prior to the end of the 20-day compliance period</li> <li>• Proves Good Cause existed within the period of noncompliance, including a verified exemption during the time of failure to comply with WTW requirements</li> </ul> </td><td data-bbox="933 296 1373 703"> <p>Reengage in WTW Activities</p> </td></tr> <tr> <td data-bbox="527 703 933 1045"> <p>No Good Cause:</p> <ul style="list-style-type: none"> <li>• No Compliance Plan or</li> <li>• No show within 20-day compliance period</li> </ul> </td><td data-bbox="933 703 1373 1045"> <ul style="list-style-type: none"> <li>• Continue monthly reengagement attempts which may include sending               <ul style="list-style-type: none"> <li>○ 27-337 Get Your CalWORKs Benefits Back and</li> <li>○ 27-338 Get Your CalWORKs Benefits Back-Home Visit</li> </ul> </li> <li>• Send WTW 31</li> </ul> </td></tr> <tr> <td data-bbox="527 1045 933 1184"> <p>No Good Cause: Agreed to Compliance Plan</p> </td><td data-bbox="933 1045 1373 1184"> <ul style="list-style-type: none"> <li>• Reinstate Supportive Services</li> <li>• Monitor Compliance Plan completion</li> </ul> </td></tr> <tr> <td data-bbox="527 1184 933 1253"> <p>No Good Cause: Completed Compliance Plan</p> </td><td data-bbox="933 1184 1373 1253"> <p>Reengage in WTW Activities</p> </td></tr> <tr> <td data-bbox="527 1253 933 1591"> <p>No Good Cause: Failed Compliance Plan</p> </td><td data-bbox="933 1253 1373 1591"> <ul style="list-style-type: none"> <li>• Continue monthly reengagement attempts which may include sending               <ul style="list-style-type: none"> <li>○ 27-337 Get Your CalWORKs Benefits Back and</li> <li>○ 27-338 Get Your CalWORKs Benefits Back-Home Visit</li> </ul> </li> <li>• Send WTW 31</li> </ul> </td></tr> </tbody> </table>	If the 20-Day Cause Determination Outcome is	then the ECM is required to	<p>Good Cause:</p> <ul style="list-style-type: none"> <li>• Demonstrates Good Cause prior to the end of the 20-day compliance period</li> <li>• Proves Good Cause existed within the period of noncompliance, including a verified exemption during the time of failure to comply with WTW requirements</li> </ul>	<p>Reengage in WTW Activities</p>	<p>No Good Cause:</p> <ul style="list-style-type: none"> <li>• No Compliance Plan or</li> <li>• No show within 20-day compliance period</li> </ul>	<ul style="list-style-type: none"> <li>• Continue monthly reengagement attempts which may include sending               <ul style="list-style-type: none"> <li>○ 27-337 Get Your CalWORKs Benefits Back and</li> <li>○ 27-338 Get Your CalWORKs Benefits Back-Home Visit</li> </ul> </li> <li>• Send WTW 31</li> </ul>	<p>No Good Cause: Agreed to Compliance Plan</p>	<ul style="list-style-type: none"> <li>• Reinstate Supportive Services</li> <li>• Monitor Compliance Plan completion</li> </ul>	<p>No Good Cause: Completed Compliance Plan</p>	<p>Reengage in WTW Activities</p>	<p>No Good Cause: Failed Compliance Plan</p>	<ul style="list-style-type: none"> <li>• Continue monthly reengagement attempts which may include sending               <ul style="list-style-type: none"> <li>○ 27-337 Get Your CalWORKs Benefits Back and</li> <li>○ 27-338 Get Your CalWORKs Benefits Back-Home Visit</li> </ul> </li> <li>• Send WTW 31</li> </ul>
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2	<p>Complete the 27-334, on a <b>daily basis</b>, choosing one of the acceptable <a href="#">20-Day Cause Determination Outcomes</a> for each case.</p>												
3	<p>Submit the 27-334 WTW Compliance Tracking Tool (<a href="#">CPG 10-025.A 27-334 Submittal</a>) to OSU <b>via secure email within three business days</b> following the completion of 20-day compliance period.</p>												

	<p>OSU email address is:  <a href="mailto:EligibilityOperationsSanctionReviewer.HHSA@sdcounty.ca.gov">EligibilityOperationsSanctionReviewer.HHSA@sdcounty.ca.gov</a></p> <p>The daily 27-334 WTW Compliance Tracking Tool email sent to OSU should include requests for all regions and should only be sent once per day <b>via secure email</b>.</p> <p><b>Reminders:</b></p> <ul style="list-style-type: none"> <li>Only the ECM can determine noncompliance with the WTW program.</li> <li>Staff are required to follow Electronic Communication protocol as stated in <a href="#">CPG 10-300 E. WTW Activity Documentation and Reporting Requirements</a>.</li> </ul>
3	<p>Complete a CalWIN Case Comment for each case listed on the 27-334 including a statement indicating the sanction recommendation was emailed to OSU.</p> <p><b>Case Comment Example:</b>            'Noncompliance process was initiated for (client) on (date). 20-day compliance period ended on (date). Client has (choose one of the following):</p> <ul style="list-style-type: none"> <li>not demonstrated good cause for failure to comply with WTW requirements or agreed to a compliance plan. Sanction proceeds. <u>or</u></li> <li>not demonstrated good cause for failure to comply with WTW requirements after agreeing to a compliance plan. Sanction proceeds. <u>or</u></li> <li>demonstrated good cause for failure to comply with WTW requirements. Sanction rescinded.</li> </ul> <p>All related CalWIN entries have been completed. 27-334 was e-mailed via secure means to OSU on (date).'</p>
4	Monitor the participant's sanction process.

**10-025.B.8**  
**21<sup>st</sup> Day**  
**Compliance**  
**Review**  
**Request- ECM**  
**Exempt**  
**Volunteer**

Upon completion of the 20-Day cause determination period for **exempt volunteers** the ECM is required to take the following actions:

Step	Action		
1	<p>Evaluate <a href="#">20-Day Cause Determination Outcome</a> and complete necessary action as follows:</p> <table border="1"> <tr> <td><b>If the 20-Day Cause Determination Outcome is</b></td><td><b>then the ECM is required to</b></td></tr> </table>	<b>If the 20-Day Cause Determination Outcome is</b>	<b>then the ECM is required to</b>
<b>If the 20-Day Cause Determination Outcome is</b>	<b>then the ECM is required to</b>		

	<p><b>Good Cause:</b></p> <ul style="list-style-type: none"> <li>• Demonstrates Good Cause prior to the end of the 20-day compliance period</li> <li>• Proves Good Cause existed within the period of noncompliance, including a verified exemption during the time of failure to comply with WTW requirements</li> </ul> <p><b>No Good Cause:</b> Successful completion of Compliance Plan</p>	<ul style="list-style-type: none"> <li>• Allow participate to continue to volunteer in WTW Activities</li> <li>• Reinstate Supportive Services</li> <li>• <b>Send 27-357 Employment Services Request to FRC WTW Liaison</b> to update WTW registration status from Noncompliance back to Exempt Mandatory, Registered Voluntary</li> </ul>
	<p><b>No Good Cause:</b> Agreed to Compliance Plan</p>	<ul style="list-style-type: none"> <li>• Reinstate Supportive Services</li> <li>• Monitor Compliance Plan completion</li> </ul>
	<p><b>No Good Cause:</b></p> <ul style="list-style-type: none"> <li>• No Compliance Plan or</li> <li>• No show within 20-day compliance period</li> </ul> <p><b>No Good Cause:</b> Unsuccessful completion of Compliance Plan</p>	<ul style="list-style-type: none"> <li>• Send NA 818 Exempt Volunteer Not Completing a Compliance Plan (CP)</li> <li>• <b>Send 27-357 Employment Services Request to FRC WTW Liaison</b> to update WTW Registration status from Noncompliance to Exempt Mandatory</li> </ul>
	<p><b>Note:</b> NA 818 does not affect a participant's grant therefore can be sent by the ECM.</p>	

**10-025.B.9**  
**21<sup>st</sup> Day**  
**Compliance**  
**Review**  
**Request-OSU**

Upon receipt of the [20-Day Cause Determination Outcomes](#) from the ECM, OSU is required to take the following actions **within 3 business days**:

Step	Action		
1	Evaluate <a href="#">20-Day Cause Determination Outcomes</a> provided by the ECM, including a review of the case and client correspondence in CalWIN.		
2	Determine if CalWORKs Program Guide regulations have been applied.		
3	Complete necessary action as follows: <table border="1"> <tr> <td>If the 20-Day Cause Determination Outcome is</td><td>then OSU is required to</td></tr> </table>	If the 20-Day Cause Determination Outcome is	then OSU is required to
If the 20-Day Cause Determination Outcome is	then OSU is required to		

	<b>Good Cause:</b> <ul style="list-style-type: none"> <li>• Demonstrates Good Cause prior to the end of the 20-day compliance period</li> <li>• Proves Good Cause existed within the period of noncompliance, including a verified exemption during the time of failure to comply with WTW requirements</li> </ul>	<ul style="list-style-type: none"> <li>• Rescind sanction</li> <li>• Update WTW Registration status from Noncompliance to Registered</li> </ul>
	<b>No Good Cause:</b> <ul style="list-style-type: none"> <li>• No Compliance Plan or</li> <li>• No show within 20-day compliance timeframe</li> </ul>	<ul style="list-style-type: none"> <li>• Proceed with sanction request</li> <li>• Update WTW Registration status from Noncompliance to Sanction</li> </ul>
	<b>No Good Cause:</b> Agreed to Compliance Plan	<ul style="list-style-type: none"> <li>• Rescind sanction pending outcome of the plan</li> </ul>
	<b>No Good Cause:</b> Completed Compliance Plan	<ul style="list-style-type: none"> <li>• Update WTW status to Registered</li> </ul>
4	Update and send the 27-334 to the ECM via secure means with the cause determination outcome.	
5	Update CalWIN Case Comments with the result of the cause determination outcome review and any further case actions required.	

**Note:** Sanction review will not be considered complete until all cause determination efforts are finalized.

**10-025.B.10**  
**21<sup>st</sup> Day**  
**Compliance**  
**Review-FRC**  
**WTW Liaison**  
**Exempt**  
**Volunteer**

Upon review of the [20-Day Cause Determination Outcomes](#) for **exempt volunteers**, ECM is required to send 27-357 Employment Services Request to **FRC WTW Liaison** to request WTW Registration status updates.

If the 20-Day Cause Determination Outcome is	then FRC WTW Liaison is required to
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<p>Good Cause</p> <ul style="list-style-type: none"> <li>• Demonstrates Good Cause prior to the end of the 20-day compliance period</li> <li>• Proves Good Cause existed within the period of noncompliance, including a verified exemption during the time of failure to comply with WTW requirements</li> </ul> <p>Or</p> <p>No Good Cause-Successfully Completed Compliance Plan:</p>	<ul style="list-style-type: none"> <li>• Update WTW Registration status from Noncompliance back to Exempt Mandatory, Registered Voluntary</li> </ul>
<p>No Good Cause</p> <ul style="list-style-type: none"> <li>• No Compliance Plan or</li> <li>• No show within 20-day compliance timeframe</li> </ul> <p>Or</p> <p>No Good Cause-Failed Compliance Plan</p>	<ul style="list-style-type: none"> <li>• Update WTW Registration status from Noncompliance to Exempt Mandatory</li> </ul>

Update CalWIN Case Comments with case actions completed.

**10-025.B.11**  
**21<sup>st</sup> Day**  
**Compliance**  
**Review**  
**Follow-up**

ECMs have **3 business days** to provide OSU with the outcome of the 20-Day Cause Determination appointment.

If the 21 <sup>st</sup> Day Compliance Review Request outcome is	Then OSU will
not received within 3 business days	Request that the ECM Liaison provide the determination outcome within 3 additional business days.
not received from the ECM Liaison after 3 additional business days,	Elevate the request to the ECM Supervisor and ECM Manager to provide the determination outcome within 3 additional business days.
still not received from the ECM Supervisor and ECM Manager after 3 additional business days	<p>Elevate the request to the CalWORKs Program Manager and OSU Manager for follow-up with the ECM Manager with a response required <b>within 1 business day.</b></p> <p>Response from the ECM Manager to the CalWORKs Program Manager and OSU Manager must specifically address why action was not taken timely.</p>

**10-025.B.12**  
**Sanction**

A sanction is effective immediately after the 20-Day Compliance Period

- Effective Date** has ended and either
- No good cause has been found or
  - No good cause has been found and the client does not agree to enter into a compliance plan

At this point the client is considered sanctioned and must meet requirements to cure a sanction even if the financial penalty has not yet been applied.

The charts below demonstrate scenarios with potential sanction effective dates and outcomes based on the following situation:

- Client failed to attend Job Club and ECM starts the noncompliance process on 3/1.
- OSU sends required NA 840 with notification of financial penalty on 4/1.
- 20-Day Compliance Period ends on 3/21.

Scenario 1:	
Cause Determination Outcome: No Good Cause	Sanction Effective Date and Outcome
<ul style="list-style-type: none"> <li>• Client did not have good cause or agree to enter into a compliance plan by 3/21.</li> <li>• Client is considered sanctioned effective 3/22.</li> <li>• Financial penalty (sanction) is not scheduled to be applied until 4/1.</li> </ul>	<ul style="list-style-type: none"> <li>• As of 3/22 client must meet requirements to cure the sanction.</li> <li>• Financial penalty (sanction) will be applied 4/1.</li> </ul>
<ul style="list-style-type: none"> <li>• Client did not have good cause or agree to enter into a compliance plan by 3/21.</li> <li>• Client is considered sanctioned effective 3/22.</li> <li>• Financial penalty (sanction) is not scheduled to be applied until 4/1.</li> <li>• CalWORKs is set to discontinue 3/31.</li> </ul>	<ul style="list-style-type: none"> <li>• As of 3/22 client must meet requirements to cure the sanction.</li> <li>• Client <u>did not</u> cure the sanction prior to 3/31.</li> <li>• Financial penalty (sanction) must be reinstated as soon as CalWORKs status is active again.</li> </ul>
	<ul style="list-style-type: none"> <li>• As of 3/22 client must meet requirements to cure the sanction.</li> <li>• Client <u>cured</u> the sanction prior to 3/31.</li> <li>• Financial penalty (sanction) should <u>not</u> be applied.</li> <li>• Client must be registered to WTW and referred to the ECM as soon as CalWORKs status is active again.</li> </ul>

Scenario 2:	
Cause Determination Outcome:	Sanction Effective Date and Outcome

Compliance Plan	
<ul style="list-style-type: none"> <li>• Client enters into a Compliance Plan by 3/21.</li> <li>• Compliance Plan is 4 weeks from 3/21-4/21.</li> </ul>	<ul style="list-style-type: none"> <li>• Financial penalty (sanction) is rescinded until successful completion of Compliance Plan.</li> <li>• If outcome of the Compliance Plan is               <ul style="list-style-type: none"> <li>○ Successful completion, the financial penalty (sanction) is not applied</li> <li>○ Unsuccessful completion, then Notice of Action 816 or 817 is sent to the client and financial penalty (sanction) will be applied 5/1.</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• Client enters into a Compliance Plan by 3/21.</li> <li>• Compliance Plan is 1 day from 3/21-3/21.</li> <li>• CalWORKs is set to discontinue 3/31.</li> </ul>	<ul style="list-style-type: none"> <li>• Financial penalty (sanction) is rescinded until successful completion of Compliance Plan.</li> <li>• If outcome of the Compliance Plan is               <ul style="list-style-type: none"> <li>○ Successful completion, the financial penalty (sanction) is not applied</li> <li>○ Unsuccessful completion, then a Notice of Action 816 or 817 is sent to the client and financial penalty (sanction) will be applied as soon as CalWORKs status is active again.</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• Client enters into a Compliance Plan by 3/21.</li> <li>• Compliance Plan is 4 weeks from 3/21-4/21.</li> <li>• CalWORKs is set to discontinue 3/31.</li> </ul>	<ul style="list-style-type: none"> <li>• Financial penalty (sanction) is rescinded as Compliance Plan cannot be completed prior to the CalWORKs discontinuance.</li> <li>• Client must be registered to WTW and referred to the ECM once CalWORKs status is active again.</li> </ul>